

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

In the Matter of:

Opinion requested by)
 Katherine Rawlings, Executive Secretary)
 Sacramento County Democratic)
 Central Committee)

No. 75-053
 July 2, 1975

BY THE COMMISSION: We have been asked the following questions by Katherine Rawlings, Executive Secretary of the Sacramento County Democratic Central Committee:

The Sacramento County Democratic Central Committee has a check debiting plan, into which contributions to the Central Committee are made by monthly withdrawals from its members' bank accounts. The main purpose of funds received by the Central Committee is to support its ongoing programs, such as registration, the overhead for the operation of the year-round headquarters in Sacramento and the payment of salary to its one part-time secretary. In election years, the Sacramento County Democratic Central Committee also organizes and staffs the "United Headquarters" operation for all Democratic candidates running in Sacramento County, as well as state-wide and national candidates when applicable.

Can registered lobbyists participate in the check debiting plan or contribute in any way to this Central Committee?

CONCLUSION

It is unlawful for a registered lobbyist to contribute to the Central Committee and it is unlawful for the Central Committee knowingly to receive such a contribution.

ANALYSIS

The check-debiting plan used by the Sacramento County Democratic Central Committee is a method for making contributions

to the Committee. It is unlawful for a lobbyist to make a contribution to a state candidate, a committee supporting a state candidate or an elected state officer. Government Code Sections 86200, 86202.^{1/} It is also unlawful for any person knowingly to receive any such political contribution from a lobbyist. Section 86204.

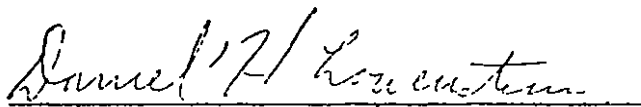
The Sacramento County Democratic Central Committee is a "committee" within the definition of that word in Section 82013:

. . . any person or combination of persons who directly or indirectly receives contributions or makes expenditures or contributions for the purpose of influencing. . . the action of the voters for or against the nomination or election of one or more candidates, . . . including any committee or subcommittee of a political party, whether national, state or local,

Although the committee may not be directly supporting a state candidate during years without state elections, the purpose of its existence is to support such candidates. A county central committee is by nature a "committee supporting a state candidate" within the meaning of Section 86200, during odd-numbered as well as even-numbered years. It would be subverting the intent of the Act to conclude that contributions could be made to pay committee overhead so long as not made directly to candidates. Any committee has numerous expenses including overhead which in total make up its activities in support of candidates.

Under its present organization, contributions by lobbyists to the Committee are prohibited and participation by lobbyists in the check-debiting plan is not allowed.

Approved by the Commission on July 2, 1975. Concurring: Brosnahan, Carpenter, Lowenstein and Miller. Commissioner Waters was absent.


Daniel H. Lowenstein
Chairman

1/

All statutory references are to the Government Code unless otherwise noted.

No. 75-133
Page Three

However, it has been stipulated in the present opinion request that club dues seldom are used to make "contributions" or "expenditures." If a club decides to support certain candidates, the club usually carries on a fund raising activity specifically for that purpose. Dues receipts typically are spent to publish the club newsletter and to pay for club meetings. Other payments are made to the California Democratic Council, county central committee and local club federations. Except for the amount paid to the county central committee, none of these disbursements are contributions or expenditures. Payments to a county central committee are contributions to that organization because the county central committee is an official committee of the Democratic Party and, accordingly, all payments to that organization are "contributions" to the committee. 2 Cal. Adm. Code Section 18215(b).^{2/}

If dues receipts routinely are paid to the county central committee, those receipts should be recorded as contributions received by the club. If the amount of such contributions, plus funds generated by specific fund raising activities in support of candidates and measures aggregate \$500 in a calendar year, the club will become a "committee," as defined in Government Code Section 82013(a), and will have to file periodic reports, as required by Chapter 4, Sections 84100, et seq. of the Political Reform Act. However, if the club does not receive contributions aggregating \$500 in a calendar year, and does not engage in other activities which would render it a committee within the meaning of Section 82013, it will not have any filing obligations under the Political Reform Act.

Approved by the Commission August 3, 1976. Concurring:
Brosnahan, Carpenter, Lapan, Lowenstein and Quinn.


Daniel H. Lowenstein
Chairman

^{2/} In the Opinion requested by Katherine Rawlings, 1 FPFC Opinions 62 (No. 75-053, July 2, 1975), we concluded that monthly payments paid to a county central committee are contributions.